



DISTRICT OF COLUMBIA
PUBLIC SCHOOLS

Office of the Chief Operating Officer

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Grievance Policy and Procedure

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Executive Summary

Introduction

A **grievance** is a complaint that is filed to report any improper treatment. Improper treatment can be based on a number of factors such as one's gender, disability, race, religion or nationality. Improper treatment can come from a school staff, another student, parent, guardian, and a school visitor or a third party. This manual provides guidance on the process surrounding grievances. The District of Columbia Public Schools (DCPS) is dedicated to ensure that individuals are treated fairly with respect and dignity.

Purpose

The purpose of this manual is to ensure the safety and protect the rights of students, parents, guardians and school visitors by providing a mechanism through which interested persons can file grievances. This policy has been developed to improve family-school relationships, continue to build trust amongst DCPS stakeholders and to ensure that students, parent, guardians and school visitors receive fair and appropriate treatment.

Roadmap

This directive serves as a walkthrough of DCPS' grievance process. The first section of this manual provides the legal framework that applies to all complaints. The second section of this manual covers the types of grievances that may occur. The third section touches on the key participants involved in the grievance process. The fourth section elaborates on the grievance procedure itself from intake to final decision making. The fifth section addresses special circumstances grievances which involve unique circumstances that warrant expedited processing. The sixth section covers other DCPS remedies for an individual who does not want to file a grievance based on the regular standards. The last section discusses grievance remedies offered by outside agencies. A glossary can be found in the appendices of this manual.

For additional information about this process please email dcps.grievance@dc.gov or visit Canvas <https://dcps.instructure.com/courses/69978>.

Authority

These procedures apply to all complaints and grievances brought for any suspected violation of the following laws:

- (a) Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability;
- (b) Title II of the Americans with Disabilities Act of 1990, which also prohibits discrimination on the basis of disability;
- (c) Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex;
- (d) Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, and national origin;
- (e) The District of Columbia Human Rights Law, Title 2, Chapter 14 of the D.C. Official Code, which prohibits discrimination on the basis of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, political affiliation, source of income, and disability; or
- (f) The Age Discrimination Act of 1975, which prohibits discrimination on the basis of age.

The Grievance Policy and Procedure is governed by 5 DCMR § B2405 for student grievances and 5 DCMR § E405 for parents, guardians and school visitor grievances. These regulations provide an overview of the procedures that must be followed when an individual files a grievance. A grievance can be filed to report unfair treatment towards a student, parent, guardian or school visitor. The policy herein expounds on DCPS' implementation of the grievance process.

Types of Grievances

Harassment

Unwelcome comments or conduct (oral, written, graphic, electronic or physical) relating to an individual's actual or perceived race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, political affiliation, source of income, or disability (i.e. protected status), that is sufficiently severe, pervasive or persistent so as to unreasonably interfere with or limit a student's ability to participate in or benefit from the district's programs or activities or by creating a hostile, humiliating, intimidating or offensive educational environment.

Discrimination

Treating a student or a group of students less favorably, or interfering with or preventing a student from enjoying the advantages, privileges or courses of study of a school, including in a production or work-based learning site, because of that student's race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, political affiliation, source of income, disability (except as to provide a reasonable accommodation), or any other basis prohibited by the District of Columbia and/or federal nondiscrimination laws.

Below are examples of discrimination or harassment violations that have the purpose or effect of unreasonably interfering with a student's education or academic performance or of creating an intimidating, hostile or offensive environment for a student's education or participation in a DCPS program or activity, including in production of work-based learning sites:

- **Racial:** Unwelcome oral, written, graphic, electronic or physical conduct based on a person's race or color, including characteristics of a person's race or color, such as racial slurs or insults, racial graffiti or symbols, hostile acts based on race, nicknames based on racial stereotypes, negative comments about appearance, imitating mannerisms, taunting, or invading personal space to intimidate.
- **National origin:** Unwelcome verbal, written or physical conduct directed at a person based on his/her national origin, ancestry, or ethnic background, such as negative comments, graffiti or symbols about surnames, customs, language, accents, immigration status, or manner of speaking.
- **Religious:** Unwelcome verbal, written or physical conduct directed at a person based on his/her religion, including derogatory negative comments, graffiti or symbols about religious beliefs, traditions, practices (includes non-belief), or religious clothing.
- **Disability:** Unwelcome, verbal, written or physical conduct directed at a person based on his/her disability or perceived disability, including damaging or interfering with use of necessary equipment, imitating manner of movement, using slurs like "retard" or invading personal space to intimidate.

- **Sexual Harassment:** Unwelcome conduct of a sexual nature, such as unwelcome sexual advances, requests for sexual favors, and other non-verbal, or physical conduct of a sexual nature.
 - **Sexual Violence:** A form of sexual harassment that refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g. due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.
 - **Gender-Based:** Unwelcome verbal, written or physical conduct based on a person's actual or perceived sex, including harassment based on gender identity or nonconformity with sex stereotypes and not necessarily involving conduct of a sexual nature. For example, anti-gay slurs or insults, graffiti or symbols, imitating mannerisms, taunting or invading personal space to intimidate.
- **Bullying:** Refers to verbal, physical or mental acts committed by a student to harass, intimidate or cause harm to another student such as excluding someone from social activities, making threats, withdrawing attention or destroying someone's reputation. The actions can range from blatant aggression to far more subtle and covert behaviors. This includes cyber bullying or bullying through electronic technology (e.g. cell phones, computers, online/social media), as well as offensive text messages or e-mails, rumors or embarrassing photos posted on social networking sites, or fake online profiles.

Other

Any issue or concern raised outside of the categories above that impacts the safety or rights of students, parents, guardians or school visitors. This is including instances:

- Where it is alleged that any student or group of students is being denied access to an adequate educational opportunity;
- Where it is alleged that the rights of students, any individual student or any individual, are being denied or abridged;
- Where it is alleged that any student, group of students or individual is being subjected to an arbitrary or unreasonable regulation, procedure, or standard of conduct;
- Where it is alleged that any student is being denied participation in any school activity for which the student is eligible; or any other violation of a right granted by law that does not have a specific grievance procedure or hearing process provided in Title 5-B or Title 5-E of the District of Columbia Municipal Regulations. This is including, but not limited to, disputes regarding grades, transcripts, credit transfers, safety transfers and grade retention. Please note that this policy does not cover suspensions or expulsions.

Key Participants

This section will name and define key persons involved in the grievance process.

Grievant

A parent, guardian, student, vested party or school visitor who has knowledge of an incident and files a grievance.

Aggrieved

The individual or group of individuals who has experienced improper treatment as defined above in Section 3.0. Please note that the Aggrieved and the Grievant may be the same person.

Grievance Point of Contact (Grievance POC)

Each school will have a point of contact. This person will be responsible for the receipt, input, investigation and resolution of grievance requests on the school level. The Grievance POC will also be the individual that a Grievant can speak to before and during the grievance process. Often, the school's Grievance POC will be the school's counselor.

Grievance Coordinator

The Grievance Coordinator is a member of DCPS Central Office staff who serves as a resource for the local school, the grievant and any other vested parties. The Grievance Coordinator is responsible for monitoring grievance filings and ensuring that schools are properly adhering to procedures set forth herein. Further, the Grievance Coordinator will review and resolve appeals and will facilitate Secondary Appeals before the Grievance Review Panel.

Grievance Review Panel

A grievance panel is a group of three persons identified by Compliance and Policy leadership who possess expertise and knowledge about the components contained in the grievance filing being appealed. Persons selected to sit on this panel have the authority to enter into agreements, make systematic recommendations and commit resources on behalf of the agency. These persons will review secondary appeals and issue recommendations for suggested implementation. The review panel members may include but are not limited to:

- Deputy Chief of Compliance and Policy/other agency leaders
- Title IX Manager or designee
- Resolution Director or designee
- General Counsel/OGC Representative
- Instructional Superintendent
- Section 504 Coordinator

Instructional Superintendent

The Instructional Superintendent will be made aware of the status of grievance filings throughout the process. The Instructional Superintendent or designee is responsible for issuing Final Administrative Decisions.

Grievance Procedure

Step 1: Intake

A grievance can be filed in one of two ways:

1. **Verbally:** Grievant speaks with the Grievance POC or a member of the DCPS staff in person or via telephone. Grievance Intake Form is completed by the Grievance POC or DCPS staff member.
2. **Writing:** Grievant can complete the Grievance Intake Form available online at <http://dcps.dc.gov/page/studentparentvisitor-grievance-process> or via email at dcps.grievance@dc.gov. Grievant may also e-mail their Grievance POC or any member of DCPS staff. Alternatively, Grievant can complete a hard copy of the Grievance Intake Form available in the school's main office.

If a grievance is against a school principal, it can be filed via email at dcps.grievance@dc.gov, online <http://dcps.dc.gov/page/studentparentvisitor-grievance-process>.

Grievances should be filed within 45 calendar days of the incident. Grievant can contact the Grievance Coordinator via e-mail at dcps.grievance@dc.gov.

Step 2: Agency Acknowledgement

Within one school day, Grievant will receive an acknowledgement via e-mail indicating that the agency is in receipt of the filing and outlining what to expect next. If no e-mail address is available, a letter will be sent via regular U.S. Postal Mail. If the grievance has been filed anonymously, no agency acknowledgment will be sent.

Step 3: Investigation and Resolution

An investigation will be conducted by the Grievance POC. An investigation may include speaking with relevant staff and/or students, viewing video footage, reviewing written documentation and/or reviewing any records. Investigative notes will be collected and uploaded into a tracking system. DCPS will maintain on-going contact with the Grievant and/or the Aggrieved (when appropriate) throughout the investigation.

Law Enforcement or Metropolitan Police Department Involvement

Please note that if the Metropolitan Police Department or Law Enforcement becomes involved, DCPS must and will halt the grievance investigation until the fact-finding portion of the police department's investigation is complete. DCPS will implement appropriate interim steps during the law enforcement agency's investigation period. Please see the Remedial Measures section below for additional details. Once the police investigation is complete, DCPS will promptly resume its investigation.

Confidentiality/Consent

DCPS will work to maintain confidentiality to the highest degree possible while thoroughly investigating a grievance. DCPS will obtain consent to investigate a grievance before beginning the investigation. Consent will be obtained from the aggrieved' parents if the student is under 18 years old. If the grievance is filed anonymously or if the grievant requests that the aggrieved not be involved in any subsequent action, DCPS will take all reasonable steps to investigate and respond to the complaint, while respecting the request for confidentiality or no involvement. Additionally, DCPS will respect the request that a complaint not be pursued.

Retaliation

This procedure prohibits retaliation against grievant or alleged victim. School officials will take possible steps to prevent retaliation. DCPS will take strong responsive action in the event that retaliation occurs.

Remedial Measures

Remedial measures may be taken during an investigation and will be calculated on a case-by-case basis. DCPS will take steps to protect the Aggrieved as necessary, including taking interim steps promptly once we have notice of a sexual harassment or violence allegation. For example, in a sexual harassment case, the alleged perpetrator can be moved to another class or school. School officials will notify the grievant of his or her options to avoid contact with the accused and will allow changes in the academic environment as appropriate. A victim of sexual assault or violence will not have to mediate or face their alleged perpetrator. Mediation nor any other type of face-to-face measures will be taken in sexual assault or sexual violence cases. When taking steps to separate the complainant and accused, a school will minimize the burden on the alleged victim. For example, DCPS will not remove the alleged victim from classes while allowing the accused to remain.

In addition, schools will ensure that alleged victims are aware of their Title IX or any other rights and any available resources, such as counseling, health and mental health services, and their right to file a complaint with local law enforcement.

After taking a preponderance of the evidence, the Grievance POC will complete a written summary detailing findings and relief within ten school days of the original filing – this will be signed off on by the principal. When possible, a letter of resolution will be sent to the grievant containing the investigation's outcome and any relief given to the aggrieved party. For example, if a student is being denied access to a certain after school program, relief may include allowing the student to participate in the program. A copy of this letter will be sent to all relevant parties.

Grievance Case Closed

Proceed to next step if Grievant is dissatisfied with resolution outcome.

Step 4: Appeal – Grievance Coordinator

Grievant can submit an appeal within ten calendar days of receipt of the letter of resolution. Appeals must be submitted in writing. Appeal requests can be submitted via U.S. Postal Mail to 1200 First Street, NE, 9th Floor, Washington, DC 20002 Attn: Resolution Grievance Division or via email dcps.grievance@dc.gov.

Step 5: Appeal – Investigation and Resolution

Grievance Coordinator will compile case investigation information and forward to appropriate Instructional Superintendent. Instructional Superintendent will review documentation, speak to relevant parties and determine the need for additional investigation. Upon completion of review Instructional Superintendent will issue a Letter of Resolution-Appeal level 1 to all relevant parties, including the Principal within ten school days of receipt of the appeal.

Grievance Case Closed

Proceed to next step if Grievant is dissatisfied with resolution outcome.

Step 6: Secondary Appeal – Grievance Review Panel

Grievant can submit a request to appear before the Grievance Review Panel within ten calendar days of receipt of the Letter of Appeal Resolution. The Secondary Appeal must be submitted in writing. Appeal requests can be submitted via U.S. Postal Mail to 1200 First Street, NE, 9th Floor, Washington, DC 20002 Attn: Resolution Grievance Division or via e-mail to dcps.grievance@dc.gov.

Step 7: Secondary Appeal – Session and Resolution

The Grievance Review Panel will be comprised of three central office staff members. The panel will review the grievance and issue written findings of fact and recommendations for suggested implementation within ten school days of receipt.

Step 8: Final Administrative Decision

Within 5 days of receipt of findings of fact and recommendations, the Instructional Superintendent or another DCPS staff member in a comparable position or higher shall issue a Final Administrative Decision. Written notice of decision will be given to all relevant parties and the case will be closed.

Special Circumstance Grievances

Bullying, Harassment or Sexual Harassment

Grievance issues relating to bullying, harassment or sexual harassment will be addressed on an expedited timeline. A grievant can complain either verbally or in writing to any school staff member. If the complaint is verbal, the school staff member shall reduce the complaint to writing. By the end of the next school day the complaint shall be reported to the school principal. Severe or pervasive bullying shall be reported by the end of the same school day. Within one school day of the report, a thorough discussion with the grievant will take place. An investigation and subsequently a written report detailing the investigation findings shall be completed within ten days. If the Grievant does not agree with the findings, they can follow the Appeal and Secondary Appeal process detailed from Step 4 above in Grievance Procedure.

Other DCPS Remedies

If grievant does not want to have concern addressed by any of the means outlined above, complaints can be filed in one of the following ways:

Title IX Grievances

Title IX grievances, which can be filed to address discrimination on the basis of sex, can be filed directly with the Title IX Manager. Students, parents and/or guardians with inquiries and/or complaints regarding Title IX non-discrimination policies related to students and student activities can contact:

Title IX Manager
Compliance and Policy Division
District of Columbia Public Schools
1200 First Street NE, 9th Floor
Washington, DC 20002
(202) 719-6541
E-mail: dcps.grievance@dc.gov

Informal Complaint

DCPS encourages you to file grievances in the formal manner outlined in Section 5.0. However, informal avenues are available as well. At any time, a Grievant may make an informal complaint to the Grievance POC, Principal or any member of DCPS Staff. The Grievance POC or Principal will investigate the complaint and provide a response within 10 school days. If the grievant is not satisfied with the response, they can file a formal written grievance within 10 calendar days. From there, the standard grievance procedure outlined in Section 5.0 from Step 4 will be followed.

Outside Agency Remedies

If you do not want to have your concern addressed by DCPS, you can file your complaint with any of the outside agencies listed below.

U.S. Department of Education, Office of Civil Rights

A grievant may also file a complaint directly with the U.S. Department of Education, Office of Civil Rights (“OCR”) without utilizing, following or completing the procedures contained herein. If a complaint is filed with OCR it must be filed in writing no later than 180 days after the occurrence of the alleged discrimination or harassment. See <http://www.ed.gov/ocr/complaintprocess.html>.

District of Columbia Office of Human Rights

A grievant may also file a complaint directly with the District of Columbia Office of Human Rights without utilizing or following the DCPS grievance procedures. The complaint must be filed within one year of the occurrence of the alleged discrimination or harassment. See <http://www.ohr.dc.gov>.

Appendices

Appendix I: Glossary

Grievance

A complaint that is filed to report any improper treatment. Improper treatment can be based on a number of factors such as one's gender, disability, race, religion or nationality.

Harassment

Unwelcome comments or conduct (oral, written, graphic, electronic or physical) relating to an individual's actual or perceived race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, political affiliation, source of income, or disability (i.e. protected status).

Discrimination

Treating a student or a group of students less favorably, or interfering with or preventing a student from enjoying the advantages, privileges or courses of study of a school, including in a production or work-based learning site, because of that student's race, color, religion, national origin or any other basis prohibited by the District of Columbia and/or federal nondiscrimination laws.

Grievant

A parent, guardian, student, vested party or school visitor who has knowledge of an incident and files a grievance.

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Grievance Point of Contact (Grievance POC)

Person in each school who will be responsible for the receipt, input, investigation and resolution of grievance requests on the school level. Often, the school's Grievance POC will be the school's counselor.

Grievance Coordinator

A member of DCPS Central Office staff who serves as a resource for the local school, the grievant and any other vested parties. The Grievance Coordinator is responsible for monitoring grievance filings and ensuring that schools are properly adhering to procedures set forth herein.

Grievance Review Panel

A team of DCPS Central Office Staff members with the authority to enter into agreements and commit resources on behalf of the agency.

Instructional Superintendent

The Instructional Superintendent will be made aware of the status of grievance filings throughout the process. The Instructional Superintendent or designee is responsible for issuing Final Administrative Decisions.